

REMARKS

The courtesies extended to Applicant's representatives by Examiners Chow and Wang at the interview held October 19, 2010 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicant's record of the interview.

Claim amendments/Status

Claims 1-12 and 14-16 are pending in this application. By this Amendment, claims 1-5, 7-12 and 14-16 are amended. These amendments are supported by Applicant's specification at least at, page 5, line 39 - page 6, line 6. Claim 1 is amended to incorporate features recited in claim 13 and further amended for clarity. Claims 2-12 and 14-16 are amended to correspond with the amendments to claim 1 and further amended for clarity. Claims 13 and 17 are canceled without prejudice to, or disclaimer of, the subject matter that this claim recites. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Rejections under 35 USC § 103

Claims 1-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,754,268 to Aihara et al. (hereinafter "Aihara") in view of U.S. Patent Application Publication No. 2004/0080486 to Troxell et al. (hereinafter "Troxell"). This rejection is respectfully traversed.

It was conceded in the Office Action that Aihara does not teach wherein the second electrode is used as a responsive element of the touch-sensitive surface of the device, in that the surface area of the second electrode is at least 9 mm². It was asserted in the Office Action that Troxell remedies these shortfalls of Aihara. The analysis of the Office Action fails for the following reason.

Claim 1 recites, among other features, a touch sensor comprising a second electrode disposed on the inner face of the other insulating plate opposite the at least one first electrode.

As discussed at the personal interview, Aihara discloses at, *e.g.* Fig. 1 a display for a single-lens reflex camera. The combination of Aihara with Troxell would not have disclosed the features recited in claim 1. A user could not have touched the liquid crystal plate 4 of Aihara, because the liquid crystal plate 4 is between a focusing screen 3 and a pentagonal prism 6. Thus, the combination of Aihara with Troxell would have rendered the input device of Troxell inoperable.

Further, claim 1 recites, among other features, the electrical control signal is applied between the at least one first electrode and the second electrode, and a touch sensor signal distinct from the electrical control signal is also applied to the second electrode, the touch sensor signal is configured to enable proximity detection of a finger by capacitive effect.

As discussed at the personal interview, Aihara discloses at, *e.g.*, Fig. 11 transparent electrodes 32a, 32b, 32c and 35 for applying electric field to the liquid crystal. Aihara would not have suggested a distinct touch sensor signal applied to the electrodes 32a, 32b, 32c and 35. Troxell discloses at, *e.g.*, Fig. 4 and paragraph [0033] a plurality of transparent electrode pairs 408A and 408B and at, *e.g.* paragraph [0025] that the oscillator 104 provides an input signal to a first electrode of each of a plurality of electrode pairs. Troxell would not have suggested the electrical control signal is applied between the at least one first electrode and the second electrode. Thus, the combination of Aihara with Troxell would not have suggested the electrical control signal is applied between the at least one first electrode and the second electrode, and a touch sensor signal distinct from the electrical control signal is also applied to the second electrode, as recited in claim 1, because the combination of Aihara with Troxell would not have suggested both an electrical signal for both a touch device and controlling a liquid crystal material applied to a single electrode.

Moreover, claim 1 recites, among other features, the surface area of the second electrode is greater than or equal to the surface area or the sum of the surface areas of the at least one first electrode. In the Office Action it is asserted that electrode 414 of Troxell corresponds to the above features.

As discussed at the personal interview, Troxell teaches at, *e.g.*, paragraph [0034] that the second transparent conductive layer 414, results in improved by shielding the first and second electrode leads of the electrode pairs 408A and 408B. Therefore, electrode 414 is a shielding electrode not an electrode for touch sensing. Thus, electrode 414 cannot reasonably be considered to correspond to a second electrode as recited in claim 1, because electrode 414 has neither a touch function or a LCD control function and, therefore, has no signals applied. Further, as discussed at the personal interview, the arguments in the Office Action are based on the drawings of Aihara and Troxell alone and there is no indication in the disclosures of Aihara and Troxell that any of the drawings are to scale. Therefore, the drawings of Aihara and Troxell would not have suggested that any electrode is larger or smaller than any other electrode. Accordingly, the combination of Aihara with Troxell would not have suggested that the surface area of the second electrode is greater than or equal to the surface area or the sum of the surface areas of the at least one first electrode, as recited in claim 1.

For at least the foregoing reasons, the combination of Aihara with Troxell cannot reasonably be considered to have suggested the combination of all of the features recited in claim 1. Further, the combination of Aihara with Troxell cannot reasonably be considered to have suggested the combinations of all of the features recited in claims 2-12 and 14-16 for at least the dependence of these claims on allowable base claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-12 and 14-16 under 35 U.S.C. 103(a) as being unpatentable over Aihara in view of Troxell are respectfully requested.

Conclusion


All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
LOWE HAUPTMAN HAM & BERNER, LLP


Kenneth M. Berner
Registration No. 37,093

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: October 27, 2010
KMB/ML/bjs